

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 14-22165</b>
<b>Michael A. Hoover, Sr.</b>	:	<b>Chapter 13</b>
<b>Lori Ann Hoover</b>	:	<b>Judge Carlota M. Bohm</b>
	:	<b>*****</b>
<b>Debtor(s).</b>		
<b>Michael A. Hoover, Sr., Lori Ann Hoover, Ronda J. Winnecour</b>	:	
<b>Movant</b>	:	<b>Related to Document No.</b>
	:	
<b>v.</b>	:	
	:	
<b>PNC Bank N.A.</b>	:	
<b>Respondent</b>	:	
	:	

**RESPONSE TO MOTION FOR CONTEMPT (DOCKET # 107)**

Now comes PNC Bank N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and responds to the Motion for Contempt filed by Michael A. Hoover, Sr. and Lori Ann Hoover (collectively, "Debtor") on September 8, 2021 at Docket # 107. Creditor states that the Motion should be denied for the foregoing reasons:

On May 29, 2014, Debtor a Petition for Relief with this court. On June 26, 2014, Creditor filed its Proof of Claim having Claim # 1-1. The filed Claim reflected a secured claim amount of \$33,925.21 with a fixed interest rate of 6.290% and a pre-petition arrearage of \$2,528.86 at the time of the bankruptcy filing. The principal balance of the loan reflected in the claim was \$32,253.48 at filing. The claim also included late charges of \$1,204.84. An itemization of the late charges was attached to the Claim. At no point during the pendency of the Chapter 13 did Debtor object to the Claim.

Creditor states that all payments made during the Chapter 13 were properly applied to the principal balance and interest of the loan. The payments made by the Trustee and Debtor

ultimately reduced the principal balance to \$7,488.77. This is the principal balance that was eventually charged-off due to non-payment.

Further, Debtor has alleged that PNC added the balance of the forgiven 2<sup>nd</sup> mortgage lien to the balance of the 1<sup>st</sup> mortgage lien. No amounts were added to the principal balance of the loan. The 2<sup>nd</sup> mortgage balance of \$9,182.88 was indeed forgiven. Debtor has incorrectly asserted that Creditor's representative stated the 2<sup>nd</sup> mortgage balance was added to the balance of the 1<sup>st</sup> mortgage lien. Creditor has conducted a thorough review of the calls between Creditor and Debtor. Creditor could not locate any instance where this representation was made.

Debtor has made a number of allegations, but has failed to provide any documentation to support those allegations. Moreover, Debtor has failed to establish any facts that show a violation of the discharge injunction. Creditor remains ready and willing to work with Debtor to satisfy Debtor's concerns regarding the remaining balance due on the loan.

WHEREFORE, Creditor respectfully requests that the Motion be denied.

Respectfully submitted,

/s/Stephen R. Franks

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**Hoover, Ronda J. Winnecour** : **Related to Document No.**  
**Movant** :  
**v.** :  
**PNC Bank N.A.** :  
**Respondent** :

**CERTIFICATE OF SERVICE OF RESPONSE TO MOTION FOR CONTEMPT**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on (date) 09/24/2021.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was: first-class mail and electronic notification.

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the full name, email address, and where applicable the full name of the person or entity represented, for each party served by electronic transmission is listed under the heading "Service by NEF," and the full name and complete postal address for each party served by mail, is listed under the heading "Service by First-Class Mail."

EXECUTED ON: 09/24/2021

By: /s/Stephen R. Franks  
Signature  
Stephen R. Franks, Esquire  
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614-220-5611  
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Stephen R. Franks, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219 (notified by ecf)

Daniel R. White, Attorney for Debtor, Zebley Mehalov & White, p.c., 18 Mill Street Square, P.O. Box 2123, Uniontown, PA 15401 (notified by ecf)

Michael A. Hoover, Sr. and Lori Ann Hoover, Debtor, P.O. Box 744, Fredericktown, PA 15333 (notified by regular US Mail)

Washington County Tax Revenue Department, Party of Interest, Debbie Bardella, Director of Revenue, 100 West Beau Street--Suite 205, Washington, PA 15301-4483 (notified by regular US Mail)

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PNC Bank, Party of Interest, Attn: Bankruptcy, 2730 Liberty Avenue, Pittsburgh, PA 15222 (notified by regular US Mail)